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EXAMINER

NGUYEN, QUANG N

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/575,707
Filing Date: July 20, 2000
Appellant(s): GREENBLATT, DAVID

Michael R. Casey
For Appellant

Revised Examiner's Answer

This revised Examiner's Answer is issued in response to the amended Appeal Brief filed on 09/22/2006. The previous Examiner's Answer mailed 08/22/2005 is vacated.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claim 52 appears on page 29 of the Appendix to the appellant's brief. The minor errors are as follows:

On line 9 of claim 52: "without user invention" should be "without user intervention".

(8) Evidence Relied Upon

6,047,060	FEDOROV ET AL.	04-2000
6,104,711	VOIT	08-2000
6,212,184	VENKATACHARY ET AL.	04-2001
6,411,150	DEGOLIA, JR. ET AL.	06-2002
6,505,201	HAITSUKA ET AL.	01-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3, 5, 7, 11, 13, 16, 20, 22-23, 31-33, 40-45 and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (US 6,104,711), in view of Haitsuka et al. (US 6,505,201), hereinafter "Haitsuka", and further in view of DeGolia, Jr. et al. (US 6,411,615), hereinafter "DeGolia".**

3. As to claims 1, 5 and 11, **Voit** teaches a method, system and computer program product, comprising:

obtaining a name address (*i.e., obtaining a URL corresponding to a web page*) and transmitting a name translation request or "query" to the domain name server (**Voit, col. 9, lines 4-16**);

converting the name address (*i.e., converting the obtained URL*), without user intervention, into a telephone number corresponding to a location at which a provider of the Web page can be contacted (*after receiving the domain name query, the domain name server executes a direct look-up table based translation, wherein certain translations of domain names will result in a response or reply message containing a*

destination telephone number) (**Voit, col. 4, lines 29-30, col. 9, lines 4-16 and col. 10, lines 9-20**).

However, **Voit** does not explicitly teach that obtaining the URL from an address bar of a web browser corresponding to a web page being displayed to a user and visually identifying that the telephone number is known for the URL corresponding to the web page being displayed to the user.

In a related art, **Haitsuka** teaches a method and system for monitoring the online activities, wherein URLs in the address bar of the browser application are obtained by the monitoring application (**Haitsuka, Abstract and col. 8, lines 16-30**).

In another related art, **DeGolia** teaches a method and system for enabling Data Network Telephony (DNT) communication through a web page, wherein one or more web pages provided and hosted by server 28 include one or more links to embedded IP telephony software on a displayed page. By selecting/clicking such a link appearing as icon or text on a displayed page (i.e., *visually identifying the link/URL as the contact information for the displayed web page*), an IP call is placed to an agent of a company representing a product or service advertised on or otherwise associated with the web page (i.e., *a call is made to the telephone number is known for the link/URL corresponding to the web page being displayed to the user*) (**DeGolia, col. 5, line 52 – col. 6, lines 7**).

Therefore, it would have been obvious to one having ordinary skills in the Data Processing Art at the time the invention was made to incorporate the feature of obtaining the URL from an address bar of a web browser corresponding to a web page being displayed to a user, as disclosed by **Haitsuka** and the feature of visually

identifying that the telephone number is known for the URL corresponding to the web page being displayed to the user, as disclosed by **DeGolia**, into the teaching of **Voit** since all references are directed to data processing systems in client/server environment, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to provide the system the capability to monitor online activities by capturing the URLs from the address bar of the browser application (*i.e., wherein URLs in the address bar of the browser application obtained by the monitoring application*) (**Haitsuka, Abstract, col. 8, lines 16-30**) and to provide the contact information (*e.g., providing the telephone number converted from the name address of Voit, or the embedded IP phone module in such interactive web pages of DeGolia*) corresponding to the Web page currently displayed by the user to allow the system to enable customer/agent interactions in conducting advertising/business associated with the web pages through the provided contact links/information (**DeGolia, col. 8, lines 42-45**).

4. As to claims 3, 7 and 13, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, further comprising controlling a telephone switch to dial the telephone number (**Voit, col. 13, line 52 – col. 14, line 16 and DeGolia, col. 5, line 61 – col. 6, line 7**).

5. As to claims 16, 20 and 22-23, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1 and 5, further comprising establishing a voice-over-IP voice communication connection across a WAN or the Internet (*as in Fig. 9 of Voit and in Fig. 2 of DeGolia*)

between the user-side and a web page provider-side (**Voit, col. 13, line 52 – col. 14, line 16 and DeGolia, col. 5, line 61 – col. 6, line 7).**

6. As to claim 31-33, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, further comprises obtaining a current URL as each new web page is viewed (**Haitsuka, Abstract and col. 8, lines 16-65**). The motivations regarding the obviousness of claims 1, 5 and 11 would be applied equally well for claims 31-33.

7. As to claims 40-42, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, further comprises obtaining the telephone number from a local database (*i.e., the domain name processing application 73 executes code to access translation table 77 and routing control records 81 stored in a database within the storage system portion of the domain name server 51 to execute a direct look-up table based translation to an IP address or telephone number*) (**Voit, Fig. 2, col. 9, lines 9-12 and lines 48-55**).

8. As to claims 43-45, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, further comprises obtaining the telephone number from a remote database (*"Official Notice" is taken that both concept and advantages of employing a remote database to store information are conventionally well known and obvious to one having ordinary skills in the art of the time the invention was made*).

9. As to claims 49-51, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, further comprises establishing a voice communications channel between the

user side and a web page provider-side using the telephone number (**Voit, col. 13, line 52 – col. 14, line 16 and DeGolia, col. 5, line 61 – col. 6, line 7**).

10. Claims 52-54 recite substantially the same limitations as claims 1, 5 and 11; therefore, they are rejected under the same rationale.

11. Claims 28-30 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Voit-Haitsuka-DeGolia**, and further in view of **Venkatachary et al. (US 6,411,615)**, hereinafter “**Venkatachary**”.

12. As to claims 28-30 and 46-48, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, but does not explicitly teach obtaining, from a database, a longest matching sub-string of the URL without requiring a complete match of the URL to be found in the database, wherein the longest matching sub-string comprises a longest matching prefix.

In a related art, **Venkatachary** teaches a system and method of routing data, wherein a router database stores address prefixes to which an address (or a URL) can be matched to and the forwarding should occur using the most specific longest prefix match (**Venkatachary, col. 3, line 65 – col. 4, line 23 and col. 5, lines 60-65**).

Therefore, it would have been obvious to one having ordinary skills in the Data Processing Art at the time the invention was made to incorporate the feature of longest prefix matching to relate two pieces of data as disclosed by **Venkatachary**, into the teachings of **Voit-Haitsuka-DeGolia** since both references are directed to data

matching (using lookup table) in data processing systems (of Voit and Venkatachary), hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to allow the system to avoid bottlenecks at high speeds in performing the address lookup and/or in searching string/sub-string for the most specific, most relevant information (*i.e., in searching for domain name address, destination IP address, URL, etc.*) in order to optimize the process of forwarding/switching a message in network communications (**Venkatachary, col. 3, lines 28-34**).

13. Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit-Haitsuka-DeGolia, and further in view of Fedorov et al. (US 6,047,060), hereinafter "Fedorov".

14. As to claims 34-39, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, but does not explicitly teach the step of visually identifying by causing an icon to flash or change color.

In a related art, **Fedorov** teaches a system and method for enabling full interactive monitoring of calls to and from a call-in center, wherein an audio signal, a flashing icon, or other alert (*i.e., visual identifying by causing an icon to flash or change color*) on the desktop might indicate an agent or agents being in a telephone session and also, by clicking on that active icon, the supervisor will be able to monitor, to join/participate in the telephone session (**Fedorov, col. 8, lines 40-53**).

Therefore, it would have been obvious to one having ordinary skills in the Data Processing Art at the time the invention was made to incorporate the feature of visually identifying by causing an icon to flash or change color, as disclosed by **Fedorov**, into the teachings of **Voit-Haitsuka-DeGolia**, since both references are directed to activating/monitoring calls to and from a call-in center in data processing systems (of Fedorov and Haitsuka), hence, would be considered to be analogous based in their related fields of endeavor. One would be motivated to do so to catch the attention of the user in order to alert/notify the user that some function/feature is going on or ready for the user to execute.

(10) Response to Argument

(A) The Applicant argued that "there is no motivation to combine the '711 Patent with either the '201 Patent or the '615 Patent, the outstanding Office Action has engaged in improper hindsight reconstruction using teachings from the appellant's own specification" (as in section "Argument", page 13 of the Appeal Brief).

As to point (A), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, **Voit** ('711) teaches obtaining a name address (obtaining a URL), transmitting a name translation request or "query" to the domain name server (Voit, col. 9, lines 4-16); and converting the name address (i.e., converting the URL corresponding to a web page), without user intervention, into a telephone number corresponding to a location at which a provider of the Web page can be contacted (after receiving the domain name query, the domain name server executes a direct look-up table based translation, result in a response with a telephone number) (Voit, col. 4, lines 29-30, col. 9, lines 4-16 and col. 10, lines 9-20).

In a related art, **Haitsuka** ('201) teaches a method and system for monitoring the online activities, wherein URLs in the address bar of the browser application are obtained by the monitoring application (Haitsuka, Abstract and col. 8, lines 16-30).

In another related art, **DeGolia** ('615) teaches a method and system for enabling Data Network Telephony communication through a web page, wherein one or more web pages provided and hosted by server 28 include one or more links to embedded IP telephony software on a displayed page. By selecting/clicking such a link appearing as icon or text on a displayed page (i.e., visually identifying the link/URL as the contact information for the displayed web page), an IP call is placed to an agent of a company representing a product or service advertised on or otherwise associated with the web page (a call is made to the telephone number is known for the link/URL corresponding to the web page being displayed to the user) (DeGolia, col. 5, line 52 – col. 6, line 7).

Therefore, it would have been obvious to one having ordinary skills in the Data Processing Art at the time the invention was made to incorporate the feature of obtaining the URL from an address bar of a web browser corresponding to a web page

being displayed to a user, as disclosed by **Haitsuka** and the feature of visually identifying that the telephone number is known for the URL corresponding to the web page being displayed to the user, as disclosed by **DeGolia**, into the teaching of **Voit** since all references are directed to data processing systems in client/server environment, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to provide the system the capability to monitor online activities by capturing the URLs from the address bar of the browser application (*i.e., wherein URLs in the address bar of the browser application obtained by the monitoring application*) (**Haitsuka, Abstract, col. 8, lines 16-30**) and to provide the contact information (*e.g., providing the telephone number converted from the name address of Voit, or the embedded IP phone module in such interactive web pages of DeGolia*) corresponding to the Web page currently displayed by the user to allow the system to enable customer/agent interactions in conducting advertising/business associated with the web pages through the provided contact links/information (**DeGolia, col. 8, lines 42-45**).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(B) The Applicant argued that "the Office Action attempts to overcome the deficiency by citing two additional references, i.e., the '201 and '615 patents" (as in Section "Argument", page 14 of the Appeal Brief).

As to point (B), in response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Besides, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(C) The Applicant argued that "the applied combination of the '711 Patent, the '201 Patent and the '615 Patent changes the principle of operation of the references" (as in Section "Argument", page 15 of the Appeal Brief).

As to point (C), In response to applicant's argument that "the applied combination of the cited references changes the principle of operation of the references", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413 208 USPQ 871 (CCPA 1981).

(D) The Applicant argued that "there is no Prima Facie case of obviousness because the applied combination does not teach all of the claim limitations of independent claims 1, 5, 11 and 52-54" (as in Section "Argument", page 16 of the Appeal Brief).

As to point (D), please see the rejection in paragraph 3 on pages 5-7 and the response to argument in point (A) on pages 12-14 above.

(E) The Applicant argued that "the applied combination of the '711 Patent, the '201 Patent, the '615 Patent and the '184 Patent does not provide a Prima Facie case of obviousness, i.e., does not provide features identified in claims 28-30 and 46-48" (as in Section "Argument", page 18 of the Appeal Brief).

As to point (E), again in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, but does not explicitly teach obtaining, from a database, a longest matching sub-string of the URL without requiring a complete match of the URL to be found in the database, wherein the longest matching sub-string comprises a longest matching prefix.

In a related art, **Venkatachary ('184)** teaches a system and method of routing data, wherein a router database stores address prefixes to which an address (or a *URL*) can be matched to and the forwarding should occur using the most specific longest prefix match (**Venkatachary, col. 3, line 65 – col. 4, line 23 and col. 5, lines 60-65**).

Therefore, it would have been obvious to one having ordinary skills in the Data Processing Art at the time the invention was made to incorporate the feature of longest prefix matching to relate two pieces of data as disclosed by **Venkatachary**, into the teachings of **Voit-Haitsuka-DeGolia** since both references are directed to data matching (using lookup table) in data processing systems (of Voit and Venkatachary), hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to allow the system to avoid bottlenecks at high speeds in performing the address lookup and/or in searching string/sub-string for the most specific, most relevant information (*i.e., in searching for domain name address, destination IP address, URL, etc.*) in order to optimize the process of forwarding/switching a message in network communications (**Venkatachary, col. 3, lines 28-34**).

(F) The Applicant argued that "the '184 Patent is not analogous art" (as in Section "Argument", page 19 of the Appeal Brief).

As to point (F), In response to applicant's argument that the '184 Patent is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for

rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, **Venkatachary ('184 Patent)** teaches a system and method of routing data, wherein a router database stores address prefixes to which an address (*such as Web URLs*) can be matched to and the forwarding should occur using the most specific longest prefix match (**Venkatachary, C3:L65 - C4:L23 and C5: L60-65**). Since the teachings of Venkatachary is not limited for use with specific fields and can use other fields, including application layer fields such as Web URLs, hence the '184 Patent is an analogous art.

(G) The Applicant argued that "the applied combination of the '711 Patent, the '201 Patent, the '615 Patent and the '060 Patent does not provide a Prima Facie case of obviousness, i.e., does not provide features identified in claims 34-39" (as in Section "Argument", page 20 of the Appeal Brief).

As to point (G), again in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, **Voit-Haitsuka-DeGolia** teaches the invention as in claims 1, 5 and 11, but does not explicitly teach the step of visually identifying by causing an icon to flash or change color.

In a related art, **Fedorov ('060 Patent)** teaches a system and method for enabling full interactive monitoring of calls to and from a call-in center, wherein an audio signal, a flashing icon, or other alert (i.e., *visual identifying by causing an icon to flash or change color*) on the desktop might indicate an agent or agents being in a telephone session and also, by clicking on that active icon, the supervisor will be able to monitor, to join/participate in the telephone session (**Fedorov, col. 8, lines 40-53**).

Therefore, it would have been obvious to one having ordinary skills in the Data Processing Art at the time the invention was made to incorporate the feature of visually identifying by causing an icon to flash or change color, as disclosed by **Fedorov**, into the teachings of **Voit-Haitsuka-DeGolia**, since both references are directed to activating/monitoring calls to and from a call-in center in data processing systems (of Fedorov and Haitsuka), hence, would be considered to be analogous based in their related fields of endeavor. One would be motivated to do so to catch the attention of the user in order to alert/notify the user that some function/feature is going on or ready for the user to execute.

Examiner believes that Examiner has considered all of applicant's arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Q.N.N.

Quang N. Nguyen

Conferees:


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